



**Iowa Coalition Against Sexual Assault**  
**Remarks to the**  
**Iowa Sex Offender Legislative Interim Committee**

November 30, 2005

The Iowa Coalition Against Sexual Assault is a coalition of Iowa's 27 sexual assault crisis centers. IowaCASA's mission is to unite people and organizations to promote a society free from sexual violence and to meet the diverse needs of survivors of sexual assault. As an organization representing the voice of victims IowaCASA applauds the legislature for the concern it has shown for Iowa's communities and its efforts to make Iowa safer for our children.

My name is Liz Hoskins and I am a member of the IowaCASA Board of Directors and the Executive Director of Waypoint, formerly the YWCA of Cedar Rapids and Linn County. Waypoint has been a human service agency advocating for, educating and supporting women in the Cedar Rapids community since 1893. The Sexual Assault Intervention Center was established in 1974. Like all of the 27 centers across state we offer a variety of services, including the following:

- 24-hour Crisis Line: this local and toll free emergency phone line is answered by trained Advocates at the 24-hour Domestic Violence Shelter who offer immediate crisis counseling to victim/survivors or their family or friends in emotional distress.
- Individual Peer Counseling: One-on-one visits with Advocates offer victim/survivors or their friends and family members.
- Support Groups: Support groups provide a foundation for healing and offer women and children a place to learn they are not alone.
- Medical and Criminal Justice Systems Advocacy: Advocates provide 24-hour, seven-day-per-week emergency (or non-emergency) medical and criminal justice advocacy to all victim/survivors and their family members. Advocates provide support during medical exams, law enforcement interviews, meetings with lawyers and at court appearances.
- Personal Advocacy: Waypoint Advocates also assist victims by advocating for their individual needs with employers, housing officials, child protection workers, clergy and educational facilities.

- Community Training and Prevention Education: Waypoint's Domestic Violence and Sexual Assault Prevention Education and Outreach Specialist provides comprehensive, age-appropriate and research-based trainings to educate youth in elementary, middle, high schools and colleges, civic and professional community groups such as law enforcement, clergy or other providers of social services
- Outreach Services: Outreach services such as counseling, education and support groups are also provided to women and children at area treatment programs, residential programs, youth shelters and detention centers.

## **IowaCASA Recommendations for Legislative Action**

**1. Notification to Victims.** The voices of victims were heard when the legislature enacted Iowa Code §709.22 - the provisions of HF619 related to mandatory notification of victim rights by law enforcement. Since July 1, 2005, IowaCASA has distributed approximately 1,300 Victim Notification Posters and about 30,000 Victim Notification Cards. The cards were sent to approximately 550 law enforcement agencies in addition to each of the 99 county attorney offices, the 27 sexual assault crisis centers, approximately 70 hospitals and health centers, 25 SANE nurses, and approximately 65 colleges, universities and community colleges. This will greatly enhance the ability of sexual assault victims in Iowa to know and assert their rights.

While the legislature made significant progress in recognizing the rights of sexual assault victims, minor technical revisions to the provisions of §709.22 would better accomplish the statutory mandate that peace officers provide victims with *immediate and adequate notice of their rights* (Iowa Code § 709.22(3)). Notification to victims should correlate with rights that are specifically afforded to victims of sexual assault, and should make clear that a victim has the right to the assistance of a victim counselor at any step, including during a medical exam. Specific language we recommend is contained in the materials we have provided you.

**2. Statement of General Rights of Victims of Sexual Assault.** The rights of victims of sexual assault would further be advanced by the inclusion of a statement of the general rights for sexual assault victims in the Code. Current law regarding domestic abuse contains a general statement regarding the rights of domestic abuse victims (Iowa Code §915.50). Law regarding sexual assault should provide a similar general statement regarding the rights of sexual assault victims. This change would strengthen the victim notification provisions added in 2005. Providing this statement in Chapter 915 provides one place in the code that provides a comprehensive listing of existing victim rights that are scattered elsewhere throughout the code (such as the right to the presence of a victim counselor, the right to a medical exam at no cost to the victim, the right to law enforcement assistance, the right to seek a no-contact order, and the right to register as a victim in order to receive notification of proceedings.) Such a measure would speak volumes to victims about the importance of their rights. Specific language we recommend is contained in the materials we have provided you.

**3. Civil Protection Order for Victims of Sexual Assault.** Another important way that the legislature can hear the voice of victims is the addition of a civil protection order for victims of sexual assault. Currently, no-contact orders are available for sexual assault victims only in cases where their case is prosecuted. Rape is recognized as the most underreported crime in the United States – it is estimated that only one in six rapes is reported to authorities. (Kilpatrick, D. G., Edmonds, C. N., & Seymour, A. (1992). *Rape in America: A report to the nation*. Arlington, VA: National Victim Center & Medical University of South Carolina.) Victims who do not report crime, or whose case is not prosecuted, still desire safety and protection from future interactions with the offender. In these cases, the victim should be able to seek a civil remedy requiring that the offender stay away from the victim. In Iowa, this option is only available if the rape can be classified as domestic abuse under chapter 236. The remedy is not available to an individual who is battered, sexually assaulted or harassed by a stranger, an acquaintance in a non-dating relationship, or a person known to the victim such as a classmate or neighbor. Illinois recently provided such a remedy. A copy of Illinois' statute is provided in your handouts.

**4. Sex Offender Registry Restrictions.** IowaCASA is working closely with sex offender treatment providers and law enforcement to assess the impact of other provisions of HF619 on victims of sexual assault and community safety. For the most part it is too early to tell what the impact of HF619 is. IowaCASA is, however, beginning to have concerns about the unintended consequences of Iowa Code §692A.2A - the 2000 foot rule. While the important objective of protecting our children from predators cannot be overstated we are concerned that some of the consequences of this restriction are having an adverse impact on community safety.

Sex offender treatment providers are telling us that for the first time ever sex offenders are absconding from DOC supervision. Residency restrictions are also forcing more offenders into homelessness and transience which interferes with effective monitoring and supervision.

Sex offenders who were once relatively stabilized in terms of employment and residence are now losing their jobs and finding they have no place to live. Research has shown that “meaningful employment can provide sex offenders a stabilizing influence by involving offenders in pro-social activities and assisting them in structuring their time, improving their self-esteem, and meeting their financial obligations”<sup>1</sup> Research suggests also that stable employment is a contributing factor in reducing sex offender recidivism.<sup>2</sup>

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<sup>1</sup> Curtis, R.L., Jr., and S. Schulman (1984). Exoffenders, Family Relations, and Economic Supports. *Crime and Delinquency* 30 (4): 507–528.

<sup>2</sup> Hanson, R.K., and A. Harris (1998). *Dynamic Predictors of Sexual Recidivism*. Cat. no. JS42-82/1998-01E. Ottawa: Department of the Solicitor General of Canada.

Kruttschnitt, C., C. Uggen, and K. Shelton (2000). Predictors of desistance among sex offenders: The interactions of formal and informal social controls. *Justice Quarterly* 17 (1): 61–87.

The full impact of Iowa's residency restrictions has not been felt in our community and it is too early to tell what, if any, effect these restrictions have on recidivism. However, other states have learned that proximity to schools or parks did not impact community safety and was not a factor in recidivism. In Colorado, it was found that offenders who reoffended did not seem to live closer than non-recidivists to schools or child care centers. (Colorado Department of Public Safety, 2004). In Minnesota, it was found that a sex offender was more likely to travel to another neighborhood in order to seek victims without being recognized. (Minnesota Department of Corrections, 2003).

As a victim centered organization IowaCASA is interested and involved in sex offender management. Nearly all professionals involved in the sex offender management field agree that responsible and effective management of sex offenders requires rigorous community supervision and sex-offender specific treatment. The offense-specific treatment that research has shown to be most effective holds offenders accountable, is victim-centered, and is limited in its confidentiality. It is based on the notion that if an offender can be taught to manage successfully his *individual* propensity to sexually abuse, he becomes less of a risk to past and potential victims. A victim-centered approach to sex offender management involves agencies working together to continually evaluate an offender's progress and discuss whether modifications should be made in the treatment or supervision plan based on shared information. In this way "supervision of sex offenders in some ways resembles "...putting a puzzle together. Small pieces of information taken alone have little significance. However, when the pieces are put together, the picture that emerges often provides important information regarding the offender's activities."<sup>3</sup> IowaCASA is concerned that many of the mandates of HF619 detract from the ability of sex offender treatment and supervision professionals to make changes in treatment and supervision plans that may be effective for individual offenders.

IowaCASA recommends that the Sex Offender Task Force established in HF 619 be asked to monitor the effects of implementation of residency restrictions and make recommendations to the legislature regarding changes that should be made in this area.

**5. Sex Offender Cohabitation Restrictions.** Also of concern to IowaCASA are the cohabitation provisions of HF 619 which were codified at 726.6(h) and 232.68(2). As you all know, effective July 1, 2005 cohabitation with a sex offender became grounds for child endangerment charges under Iowa's criminal code and for a child abuse finding under Iowa's child welfare code. Exceptions to these provisions are only made for parents living with a minor who is required to register as a sex offender and married couples. The unintended consequences of these provisions are significant. The most troubling of these consequences is that these provisions discourage reporting of sexual assault. Mothers who are fear their children could be at risk are less likely to reach out for help because by doing so they could be incriminating themselves. Sex offenders

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<sup>3</sup> Cumming, G., and Buell, M. (1997). *Supervision of the Sex Offender*. Safer Society Press, Brandon, VT., p. 43.

should be held accountable for obeying residency restrictions based on their status as a sex offender.

The child endangerment provisions of 726.6(h) do not provide affirmative defenses that are present in similar child endangerment provisions – specifically 726.6(e). That code section already holds an individual accountable by making it unlawful to knowingly permit the continuing physical or sexual abuse of a child or minor. However, that section also provides an affirmative defense if the person had a reasonable apprehension that any action to stop the continuing abuse would result in substantial bodily harm to the person or the child or minor. Sexual violence often co-exists with other physical violence in the home and such violence is often more likely to exist during periods of separation or divorce. Providing an affirmative defense to the cohabitation provisions would be a step toward protecting mothers who are victims themselves.

Furthermore, the cohabitation provisions of HF619 allow an exception for married couples. There is no research to suggest that sex offenders are any less dangerous to a child if they are married to the child's mother. IowaCASA encourages legislators to shape the laws in Iowa such that trained professionals with first hand knowledge about an individual sex offender's situation are empowered to make decisions about treatment, community supervision, employment and residency. Specific language providing an affirmative defense is contained in your handouts. We also recommend that the Task Force established in HF 619 review the implementations of this provision and make further recommendations for change based upon experience.

**6. Support for Prevention Efforts.** The long-term solutions to eradicating sexual violence from our society do not lie in measures taken to stop re-offense, but rather in preventing sexual violence from happening in the first place. IowaCASA encourages legislators to support policy decisions that support prevention efforts such as:

- ❖ Youth instruction in school, places of worship, community organizations: We believe it is critical for children and youth to be supported in learning fundamental values of respect for others, respect for boundaries, and healthy relationships.
- ❖ Parent instruction in both proactive parenting & protecting children: Parents need tools to help detect signs of adult with sexual behavior problems, tools to help teach their children about warning signs, and tools to encourage healthy parenting.
- ❖ Support for initiatives directed at bystander behavior: Research increasingly points to the importance of bystander intervention in risky situations, and bystander support for healthy attitudes.
- ❖ Community and Professional Education: Communities need to understand both the limitations of available information, and the importance of their role in preventing sexual assault. We need to shift the focus away from the “say no, go & tell” programs aimed at children, back to the adults who are truly responsible for community safety
- ❖ Organizational Policy Development: Workplaces, educational institutions, community organizations, faith-based organizations, and others need to

have policies that support prevention and early intervention in sexual assault.

It is only through these efforts that we can truly empower communities and parents. These are a few examples of prevention efforts that IowaCASA members have been able to provide in part due to funding of victim assistance grants. We also recommend that the legislature, in conjunction with IowaCASA, the education community, and other interested groups, explore ways in which prevention efforts can be integrated throughout Iowa's schools, communities, and the justice system.

Thank you for the opportunity to make this presentation to your interim committee.